

Nos. 16-2721 & 16-2944

**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

COOPER TIRE & RUBBER COMPANY,
Petitioner/Cross-Respondent,

v.

NATIONAL LABOR RELATIONS BOARD,
Respondent/Cross-Petitioner.

ON PETITION FOR REVIEW
OF AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD
NLRB Case No. 08-CA-087155

**MOTION FOR LEAVE TO FILE RESPONSE
TO PETITIONER/CROSS-RESPONDENT'S PETITION FOR
REHEARING *EN BANC*/PANEL REHEARING**

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UNITED STEELWORKERS
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Attorneys for Intervenor United Steelworkers
October 6, 2017

To the Honorable, the Judges of the United States Court of Appeals for the Eighth Circuit:

Intervenor United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial & Service Workers International Union, AFL-CIO, CLC, (“Union”), respectfully requests leave to file a response to Petitioner/Cross-Respondent Cooper Tire & Rubber Company’s petition for panel rehearing/rehearing *en banc*. In support of its motion, the Union offers the following

1. As the collective bargaining representative of Anthony Runion, the Union filed the charge in Case No. 22-CA-28403.
2. The Union timely intervened in the instant proceeding to seek enforcement of the National Labor Relations Board’s Order.
3. The Union filed a brief and participated in oral argument in this case on March 7, 2017.
4. The Union continues to represent employees in the bargaining unit at Cooper Tire & Rubber Company’s Findlay, Ohio, facility.
5. Cooper Tire & Rubber Company filed a petition for panel rehearing/rehearing *en banc* on September 22, 2017. This Court has requested a response to the petition from the National Labor Relations Board and has given the National Labor Relations Board until October 26, 2017, to file such a response.

6. The Union desires to file a response to the petition for panel rehearing/rehearing *en banc* filed by Cooper Tire & Rubber Company.

WHEREFORE, the Union respectfully requests that the Court grant this motion and permit the Union to file a response to the petition on or before October 26, 2017.

Dated: October 6, 2017, at Pittsburgh, PA

Respectfully submitted,

s/ Nathan L. Kilbert

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CERTIFICATE OF COMPLIANCE

1. This motion complies with the type-volume limitation of FRAP 32(g) because this motion contains 277 words.
2. This motion complies with the typeface requirements of FRAP 32(a)(5) and the type style requirements of FRAP 32 (a)(6) because this motion has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in Times New Roman typeface and 14 point font size.

Respectfully submitted,

/s/ Nathan L. Kilbert
Nathan L. Kilbert

CERTIFICATE OF SERVICE

I certify that on October 6, 2017, I electronically filed the foregoing motion for extension of time with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the appellate CM/ECF system.

Participants who are registered CM/ECF users will be served by the CM/ECF system.

Dated: October 6, 2017, at Pittsburgh, PA

Respectfully submitted,

s/ Nathan L. Kilbert

Nathan L. Kilbert